S.B.Cr.Misc. Bail App. No. 4648/2007
(Kailash and Anr. Vs. State of Rajasthan)

Date of order : 18/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Mahipal Vishnoi for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned as also the FIR.

It is contended by learned counsel for the petitioners that the petitioners were the only occupant of the jeep in which the illicit liquor was being transported. The liquor belongs to Pushpendra and Barkat Khan as stated in the FIR. There is no allegation that the petitioners have any role to play with the illicit liquor alleged to have been seized in the said jeep.

Looking to the facts and circumstances of the case and the fact that in the FIR the allegations are against Pushpendra and Barkat Khan, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Kailash S/o Shri Dalla Salvi and Natwar Singh @ Nattu S/o Bhopalsingh be released on bail in FIR No.136/2007 P.S. Shambhupura, provided each of them executes a

personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP